



The Circuit Court
for the Sixth Judicial Court of Michigan
COURTHOUSE TOWER
PONTIAC, MICHIGAN 48341-0404

MICHAEL WARREN
CIRCUIT JUDGE

January 31, 2011

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Mr. Corbin Davis
Clerk, Michigan Supreme Court
P.O. Box 30052
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RE: ADM File No. 2005-11
Proposed Amendment of Judicial Canon 4 and Canon 5 of the
Michigan Code of Judicial Conduct

Dear Mr. Davis:

I have reviewed with interest the proposed amendment to Judicial Canons 4 and 5 of the Michigan Code of Judicial Conduct. The revision is a welcome clarification of the existing Canons.

The existing Canons are less than a stellar model of clarity. By removing lingering doubts, the proposal would benefit the community. Many judges serve on the boards of (or otherwise aid) education, religious, charitable, fraternal, or civic¹ organizations (together "nonprofits"). Although judges should not abuse their position through improper action, the Canons clearly permit (if not encourage) judges to be engaged members of their community, including with nonprofits. Judges, we hope, have much to offer to nonprofits and the community. Judges also have been blessed with the greatest avocation in the world; and hopefully - consistent with their judicial duties - desire to give back to the community through nonprofits.

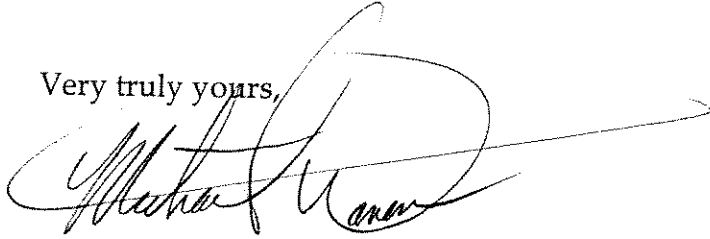
In fact, many judges already vigorously participate with nonprofit organizations in the manner expressly permitted under the proposal. If the proposal is rejected, there may be a chilling effect - judges might reconsider being such active participants if such a rejection is understood to condemn such activities.² Such a reaction could have a severe negative affect on many nonprofits.

¹ I agree with Judge Janis Burgess that civic organizations should be included throughout the proposal.

² To the extent Judge David A. Hogg and Chief Judge Elwood L. Brown are correct about the incongruity of leaving in Canon 5(C) the bar against using or permitting the use of the prestige of the office (and I tend to agree with them), I would simply delete that phrase - it is also ambiguous, confusing, and unnecessary.

For the foregoing reasons, I strongly support the proposed changes.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael Warren", with a long, sweeping horizontal line extending to the right.

Hon. Michael Warren

cc: Chief Justice Robert P. Young, Jr.
Justice Michael F. Cavanagh
Justice Marilyn Kelly
Justice Stephen J. Markman
Justice Diane Marie Hathaway
Justice Mary Beth Kelly
Justice Brian K. Zahra
Matthew Schneider
Judges of the Sixth Judicial Circuit